

**MINUTES**  
**Town of Westfield Board of Adjustment**  
**April 8, 2019**

The Westfield Board of Adjustment met on Monday, April 8, 2019, at the Westfield Municipal Building, 425 East Broad Street, Westfield, New Jersey.

In compliance with Chapter 231 P.C. OPEN PUBLIC MEETINGS ACT of the State of New Jersey, adequate notice of this meeting was provided by posting on the public bulletin board and publication in the newspapers that have been designated to receive such notice: the Westfield Leader and the Star Ledger.

**REGULAR MEETING:**

Chairman Masciale opened the meeting by calling all present to join in the Pledge of Allegiance to the Flag.

ROLL CALL: Chris Masciale, Frank Fusaro, Eldy Pavon, Carla Bonacci, Allyson Hroblak, Matt Sontz, Mary Doyle  
ABSENT: Robert Benacchio and James Keenoy  
Also present: Diane Dabulas, Esq., Donald Sammet, Town Planner and Linda Jacus, Board Secretary

**ADOPTION OF MINUTES:**

Chairman Masciale called for a motion to adopt the minutes of the March 11, 2019, meeting. Frank Fusaro made a motion to adopt the minutes; Mary Doyle seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon Carla Bonacci, Matt Sontz, Allyson Hroblak, Mary Doyle  
OPPOSED: None  
ABSTAINED: None  
ABSENT: Robert Benacchio and James Keenoy

Motion carried.

**ADOPTION OF RESOLUTIONS:**

Chairman Masciale called for a motion to adopt the following resolutions for applications acted upon at the March 11, 2019, meeting:

**Jeanne Martel, 250 Seneca Place**, application approved with conditions.  
**Kevin & Michelle McGurn, 421 Birch Avenue**, extension of time approved.  
**George Rizk, 370 Orenda Circle**, application denied.  
**Thomas & Brittany Moore, 1121 Wychwood Road**, application approved with conditions.  
**Columbus West, LLC., 532 Cumberland Street**, application approved with conditions.

Frank Fusaro made a motion to adopt the resolutions; Eldy Pavon seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon, Carla Bonacci,  
Matt Sontz, Allyson Hroblak, Mary Doyle  
OPPOSED: None  
ABSTAINED: None  
ABSENT: Robert Benacchio and James Keenoy

Motion carried.

*Chairman Masciale stated that the vote of any Board Member on the full set of memorializing resolutions would not be construed to include participation by any member in voting on any resolution for which s/he did not vote, nor did not vote in favor of the action taken by the Board (pursuant to N.J.S. §40:55D-10g).*

### **OTHER BUSINESS:**

#### **♦2018 Board of Adjustment Annual Report**

The Board thanked Don Sammet for doing a great job preparing the annual report.

Frank Fusaro made a motion to adopt the 2018 annual report; Mary Doyle seconded the motion.

### **CARRIED FROM MARCH 11, 2019:**

#### **Eric Muchalski, 909 North Avenue West**

1/7/2019

Applicant is seeking approval to retain an existing shed contrary to Section 13.02B2 of the Land Use Ordinance. Ordinance allows a maximum floor area of 150 square feet for a shed. Proposed is 300 square feet. Ordinance allows a maximum height of 10 feet for a shed. Proposed is 12 feet 8 inches. **Application deemed complete January 11, 2019. 120 day decision is May 11, 2019.**

Chairman Masciale swore in Eric Muchalski. Mr. Muchalski stated he is looking to retain an existing shed which he needs for storage. The shed is located near the edge of the property, facing the railroad tracks, and is about two years old. A permit was not applied for at the time the shed was built. The shed was noted when a construction permit was filed for other work being done on the property. Even with the large shed, the coverage is under the maximum allowed.

Open to the public for questions and comments. None. Closed to public questions and comments.

The Board felt the shed is oversized, two times larger than what is allowed, and the applicant should have researched the ordinance and filed a permit. There is not an easy way to reconcile the issue other than removing the shed, which would be a burden. There is not a coverage issue, and it is a unique circumstance with the DPW next door and the railroad tracks behind.

Chairman Masciale called for a motion. Frank Fusaro made a motion to approve with the following conditions: the applicant applies for a building permit for the shed; the shed will not be used for professional use, and shall not be inhabited; Eldy Pavon seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon, Matt Sontz,  
 Allyson Hroblak, Mary Doyle  
 OPPOSED: Carla Bonacci  
 ABSTAINED: None  
 ABSENT: Robert Benacchio and James Keenoy

Motion carried.

Application approved.

#### NEW APPEALS:

##### **Brian & Susannah Lucas, 209 Benson Place**

2/22/2019

Applicants are seeking approval to construct a one-story addition contrary to Section 11.09E6, 12.04F1, and 12.04F2 of the Land Use Ordinance. Ordinance requires a minimum side yard setback of 10 feet. Proposed is 6.8 feet. Ordinance allows a maximum building coverage of 20%. Proposed is 20.98%. Ordinance allows a maximum building coverage with a porch of 24%. Proposed is 25.5%. **Application deemed complete on March 5, 2019. 120 day decision date is July 3, 2019.**

Chairman Masciale swore in Brian Lucas and Thomas DiGiorgio (414 Central Avenue). The Board accepted Mr. DiGiorgio's credentials as a licensed architect.

Mr. Lucas stated he and his family have lived at the property for seven years. The plan is to expand the first floor, but at the same time, keep the integrity of the original architecture.

Mr. DiGiorgio went through the plans with the Board. He stated the property is in the RS-6 zone, and the side yard setback is a pre-existing nonconformity at 6.8 feet, where a 10-foot minimum is required. The proposed plan includes renovating the existing front porch. The framing on the porch is being updated, an open railing is being added, and the front steps will be relocated. A one-story addition is proposed at the back of the house. The mudroom and 1/2 bath will be expanded, and the washer/dryer will be brought upstairs from the basement. The kitchen will be opened up, and some minor renovations on the 2nd floor will be done to rework the full bath. On the third floor there are two bedrooms and a bathroom, but the shower is very small. The shower will be made full size and brought up to code, with all work upstairs being done within the existing structure. Mr. DiGiorgio stated the improvement coverage is under the maximum allowed. The proposed building coverage is only 1% over the maximum, which is needed to expand the mudroom. The building coverage for the existing porch is a pre-existing non-conformity. The footprint of the porch is not being expanded; it is being updated to comply with building code.

Open to the public for questions and comments. None. Closed to public questions and comments.

The Board agreed the changes being proposed are small and updating the house will make a great difference. The architect did a great job keeping the coverage down, while trying to keep the character of the house. A condition the porch remain open should be imposed.

Carla Bonacci made a motion to approve with the condition the porch remain open; Frank Fusaro seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon, Matt Sontz,  
Carla Bonacci, Allyson Hroblak, Mary Doyle  
OPPOSED: None  
ABSTAINED: None  
ABSENT: Robert Benacchio and James Keenoy

Motion carried.

Application approved.

**Richard & Lan Cadigan, 714 Boulevard**

2/22/2019

Applicants are seeking approval to construct a rear porch contrary to Section 12.04G of the Land Use Ordinance. Ordinance allows a maximum improvement coverage of 40% (7,200 square feet). Proposed is 43.10% (8,991 square feet). **Application deemed complete on March 13, 2019. 120 day decision date is July 11, 2019.**

John Frieri, Esq. (777 Walnut Avenue, Cranford) appeared on behalf of the applicant. He stated the coverage is not being increased. The applicant will be covering existing structures, which are already counted into the coverage on the property.

Chairman Masciale swore in Thomas DiGiorgio (414 Central Avenue). The Board accepted Mr. DiGiorgio's credentials as a licensed architect.

Mr. DiGiorgio went through the plans with the Board. He stated all impervious areas shown on the survey from the previous owner in 2014 will remain the same. The applicant is proposing to cover the outdoor kitchen area and stair area. The lot is oversized, doubled the amount required. An effort was made to reduce the coverage in other areas. There was a curbed area and pavement by the driveway that was removed, and a black top area by the garage that was eliminated and grass was planted. There is a two-car garage on the property where only a one car garage is required. When the applicant purchased the property, the impervious areas were in place. The existing outdoor kitchen gets direct sunlight so we are proposing to cover over that area. We tried to create something that compliments the rest of the house architecturally. The fire inspector and construction official reviewed the plan and were ok with the proposed work, which will comply with all building codes. Mr. DiGiorgio stated the overage on coverage is preexisting, and the applicant reduced what coverage they could on their own.

Open to the public for questions and comments. None. Closed to public questions and comments.

The Board asked if any of the prior Board approvals would be addressed, and if they would be changing in any way. Mr. Frieri stated the prior approvals have nothing to do with the current applicant. Everything that remains on the site was there when the applicant purchased the

property in October 2014. A memo from the Zoning Officer dated March 5, 2019, stated the applicant applied for a building permit in 2015 to extend a side porch. The work was denied because it exceeded the maximum all improvement coverage. The applicant agreed to bring the property into compliance so zoning approval was given for the project to proceed with the condition that prior to the c of o for the work, the coverage was to be brought into compliance. The coverage was never brought into compliance, and a c of o was never issued.

Chairman Masciale swore in Richard Cadigan. Mr. Cadigan stated they began renovating the property, and the issue of coverage was raised by the Zoning Officer. It was requested to make adjustments to the coverage or go for the variance. We were not prepared to make adjustments and decided to go for the variance. We waited to apply for the coverage variance because we wanted to do it in tandem with the covered roof work. Mr. Cadigan stated as Mr. DiGiorgio testified, some pavement was removed and replaced with grass, which reduced the coverage from 44% to 43.10%.

Open to the public for questions and comments. None. Closed to public questions and comments.

Chairman Masciale swore in Robert Hudak (1208 Third Avenue, Toms River). The Board accepted Mr. Hudak's credentials as licensed planner.

Mr. Hudak stated the applicant is not seeking an increase in the coverage, but is looking for a variance for what is existing. This would be a C-2 variance, as the benefits outweigh the detriments. We do have a double lot, which is extremely large for the immediate area. Mr. Hudak stated if the lot was subdivided, which it could be, the result would be an increase in lot coverage. The subdivided lot would have more physical coverage on the property, which would be compliant with the zoning ordinance. There is a benefit to allowing this deviation from the ordinance because it such a large lot, which is not contemplated in the zone. There would not be any negative effect on the surrounding properties or any detriment to the zone plan, as the lot is existing, and there is not any proposed increase to the coverage. If you look at the site, it would not be obvious the lot is over in coverage, as the entire lot is not covered with hardscape.

Open to the public for questions and comments. None. Closed to public questions and comments.

The Board felt the applicant did make an effort to bring the property into compliance. If the lot was subdivided, the density would be doubled so what is being proposed in that context, it not a big ask. The Board agreed they are not usually in favor of allowing such a large coverage in coverage, but the lot is oversized and could be two lots.

Chairman Masciale called for a motion. Frank Fusaro made a made a motion to approve the application with the following conditions: the covered area remain open and not be enclosed, have the good side of the fencing around the property be facing the neighbors, and obtain a c of o for the work completed in 2015; Allyson Hroblak seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon, Matt Sontz,

Carla Bonacci, Allyson Hroblak, Mary Doyle  
 OPPOSED: None  
 ABSTAINED: None  
 ABSENT: Robert Benacchio and James Keenoy

Motion carried.

Application approved.

**Mark & Karen Hamilton, 907 Bailey Court**

2/20/2019

Applicants are seeking approval to construct an addition contrary to Section 12.04E and 12.04F of the Land Use Ordinance. Ordinance allows a maximum floor area ratio of 32% (3,600 square feet). Proposed is 34.1% (4,101 square feet). Ordinance allows a maximum building coverage of 20%. Proposed is 20.5%. **Application deemed complete on March 25, 2019. 120 day decision date is July 23, 2019.**

Chairman Masciale swore in Mark & Karen Hamilton and Angela Carminio (515 Coleman Place). The Board accepted Ms. Carminio's credentials as a licensed architect.

Mr. Hamilton stated we are looking to address some flow issues and a well as some practicality issues. The house was built 1998 and all three bedrooms share one bathroom. We are proposing to split the existing master bathroom into a second bathroom and a laundry room. The addition will be built over the first floor. A master bathroom will be added and the existing master bedroom, which is in the center of the second floor, will be our office space and the current office will be the new master bedroom.

Ms. Carminio stated the house was built prior to current the zoning ordinance. The garage allowance is 450 square feet and the garage is over 450 square feet. The existing lot coverage is over by .4 and we are asking for only 14 more square feet. The f.a.r. issue is a result of bigger houses being built on smaller lots and the zoning ordinance change. The two-story space in the entry hall is now counted twice and we do not get a credit for the garage. Ms. Carminio stated we tried to fix the issues discussed by the applicant and make the house function better; the addition is only adding 159 square feet.

Open to the public for questions and comments. None. Closed to public questions and comments.

The Board agreed it is a better use of the space. The addition will not be noticeable from the front of the house, and the architect did a good job designing the plan.

Chairman Masciale called for a motion. Carla Bonacci made a motion to approve; Frank Fusaro seconded.

ALL IN FAVOR: Chris Masciale, Frank Fusaro, Eldy Pavon, Matt Sontz,  
 Carla Bonacci, Allyson Hroblak, Mary Doyle  
 OPPOSED: None

ABSTAINED: None  
ABSENT: Robert Benacchio and James Keenoy

Motion carried.

Application approved.

There being no further business a motion to adjourn was made, seconded and carried. The meeting adjourned at 9:33 pm.

Respectfully submitted,

Linda Jacus  
Board Secretary